

Nos. PD-____-20
In the Court of Criminal Appeals of Texas
At Austin

FILED
COURT OF CRIMINAL APPEALS
10/29/2021
DEANA WILLIAMSON, CLERK

—◆—
Nos. 14-20-00496-CR
In the Court of Appeals
For the Fourteenth District of Texas
At Houston

—◆—
No. 1667833
In the 230th District Court
Of Harris County, Texas

—◆—
State of Texas
Appellant

v.

Sanitha Lashay Hatter
Appellee

—◆—
**State's Motion for Extension of Time
To File Petition for Discretionary Review**
—◆—

The State's petition for discretionary review is due on November 1, 2021. The State asks for a 15-day extension of this deadline. The following facts are relevant:

1. This is a State's appeal from the trial court's order that the State dismiss a charging instrument.

2. In 2019 the appellee was indicted for assault of a peace officer. (CR 15). The State moved to dismiss this charge, noting explicitly it reserved the right to refile. (CR 53). The appellee was indicted a second time for the same offense in 2020. (CR 6).
3. The appellee filed a motion for “specific performance,” alleging the prosecutor made a “gentlemen’s agreement” not to refile when the first charge was dismissed. (CR 65-68). The trial court granted the motion for “specific performance,” writing on the order: “State is ordered to dismiss.” (CR 62-64). When it granted the motion, the trial court orally declared the case “dismissed.” (1 RR 30). The State filed a timely notice of appeal. (CR 78-79).
4. A split panel of the Fourteenth Court issued published opinions on September 30, 2021, affirming the trial court’s ruling.
5. This is the State’s first request for extension.
6. Since September 30 the State’s appellate counsel has spent most business days out of the office on pre-planned personal leave. The State’s appellate counsel had no prior notice of or influence over when the Fourteenth Court released its opinion.

The State prays that this Court will grant the requested extension.

Respectfully submitted,

/s/ C.A. Morgan

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